



THE CITY OF KEY WEST
Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

NOTICE OF ADMINISTRATIVE HEARING

DATE: November 7, 2013
RE: CASE NUMBER 12-00000414

CERTIFIED MAIL RECEIPT#: 7007 3020 0000 5341 9498

To:
Mr. & Mrs. Gordon & Juliana McDowell
39761 Thomas Mill Road
Leesburg, VA 20175-6931

Subject Address:
910 United Street
Key West, FL 33040

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1-5

Sec. 14-37. Building permits; professional plans; display of permits.

(a)
Building permit required; display. Building permits shall be procured from the building official before performance of any work or construction of any character, whether permanent or temporary. Within 48 hours after it is issued, the applicant must cause the permit to be posted and displayed at the work site so that it is readily visible from an adjacent public street throughout the term of the work. No work shall be performed unless a proper permit is so posted.

(b)
Professional plans required. Professional plans shall be required as follows:

(1)
Plans for work requiring a building permit shall be submitted in duplicate or in triplicate if required by the state to the building official and shall be prepared by, and bear the seal of, an architect or structural engineer duly registered in the state, except if the work is by the owner-occupant upon a one- or two-family residence, and the work is cosmetic, nonstructural repair, alteration or addition.

(2)
Notwithstanding subsection (b)(1) of this section, plans for work which requires a building permit and which involves mechanical, plumbing or electrical repairs, alterations or additions shall be prepared by and shall bear the impress seal of an engineer duly registered in the state, as reasonably required in the interest of health and safety by the building official.

(c)

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Work done by owner-occupant. A building permit may be issued to the owner-occupant of real property to construct or cause to be constructed, while the owner-occupant is present on the site, a one- or two-family residential structure for his own use and not offered for sale or lease or to repair the structure without being required to be a qualified contractor himself in accordance with this article and without being required to employ a licensed contractor. The owner-occupant may not construct or repair or cause the construction or repair of more than one such structure during any one-year period.

Count 2-5

Sec. 14-40. Permits in historic districts.

(a)

Requirements. No building or work permit required by this Code for work in the historic zoning districts of the city or in tidal waters contiguous to and within 600 feet of the historic zoning districts shall be issued until a certificate of appropriateness has been granted by vote of the historic architectural review commission, attested by signature of its presiding member, and until the city manager finds that the building or work permit conforms to all laws and regulations of the city.

(b)

Contents. All permits issued by the city shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all city laws and regulations and of the historic architectural review commission.

(c)

Stop work order; penalty. The building official is authorized to post a signed and dated notice to stop work on any site on which work is being performed in violation of the city laws and regulations or of the historic architectural review commission. Any person shall be guilty of an offense punishable as provided in [section 1-15](#) if the person:

(1)

Performs work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by a dated, signed order of the building official; or

(2)

Removes, defaces, conceals or alters such notice to stop work, without a dated, signed authorization of the building official.

Where such offenses are of a continuing nature, no two separate offenses shall be charged against the same person within any one-hour period.

Count 3-5

Sec. 14-261. Failure to obtain.

Whenever any person shall commence or proceed with any electrical installation or construction work for which a permit is required by the city, without first obtaining such permit, the person so commencing or proceeding with such work without a permit shall take out a belated permit covering such work and shall pay, double the specific permit fees provided by [section 14-259](#) to be paid for a timely permit covering such work. Neither anything contained in this section nor the act of taking out and paying fees for a belated permit shall absolve any person of any penalty incurred for the doing of electrical construction or installation work without first obtaining a permit

Count 4-5

Sec. 90-363. Certificate of occupancy—Required.

No land or building or part thereof erected or altered in its use or structure after the effective date of the ordinance from which this section derives shall be used until the chief building official shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are

found to be in conformity with the provisions of the land development regulations. Development permits shall also be required as provided in [section 90-356](#). It shall be the duty of the chief building official to make a final inspection of the building or premises and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the land development regulations or, if such certificate is refused, to state such refusal in writing together with the cause. Failure to obtain a certificate of occupancy shall be deemed a violation of the land development regulations.

Count 5-5

Sec. 66-87. Business tax receipt required for all holding themselves out to be engaged in business.

No person shall engage in, manage, carry on or practice, wholly or in part, within the city limits, any business, profession or occupation without first procuring a city business tax receipt. For the purposes of this article, any person holding himself out to the public by sign, printed matter, telephone directory classified section, city directory or otherwise as being engaged in business or as offering services or property to the public for a consideration, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for a business tax receipt fee thereon.

To Wit: Certificate of occupancy and building permits for this property are not able to be issued due to incomplete submission of supporting documents for processing of building applications. Also, this property is being rented non transiently without the benefit of a business tax receipt.

CORRECTIVE ACTION: Please provide our Building Department with the required Notice of Acceptance Letter to continue the processing of your building permits. Also, you have to apply and obtain a business tax receipt to rent property non-transiently.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

December 18, 2013

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of \$250.00 may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). Failure to pay these costs will result in a lien against the property in violation.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.



Leonardo Hernandez
Code Compliance Officer
City of Key West
(305) 809-3730 Desk
(305) 797-8701 Cell
Work Schedule Wed-Sun 3pm-12am

Hand served this _____ *day of* _____, 2013 @ _____ *am/pm.*

Received by: _____ *Served By:* _____